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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,530	03/09/2001	Paul S. Gryskiewicz	INTL-0507-US (P10476)	2833

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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/803,530	GRYSKIEWICZ, PAUL S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Adam L Basehoar	2178	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: the application filed on 03/09/01.
2. Claims 1-30 are pending in this case. Claims 1, 10, 17, 23, 26, and 29 are independent claims.

### ***Specification & Drawings***

3. The disclosure and drawings are objected to because of the following informalities: The disclosure is missing the drawings for Figures: 5, 6A-6B, 7, and 8, as briefly discussed on pages 3 and 4 of the specification. A majority of the subsequent specification, specifically pages 9-17, relies in some fashion on the enabling missing drawings. The applicant is pointed to MPEP sections 601.01(d) and 601.01(g) which detail the proper response to overcome the above objection. Appropriate correction is required.

### ***Claim Objections***

4. Claim 24 objected to because of the following informalities: The Examiner feels the phrase "viewable substantially simultaneously viewable" is confusing as well as redundant. The Examiner suggests removing the first use of the word "viewable" so the claim reads "substantially simultaneously viewable." Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 10-14, 16-17, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott).

-In regard to independent claims 1 & 10, Elliott teaches an apparatus and method comprising:

a computer interface to receive video (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller (equivalent to the user utilizing the electronic conferencing application window)(Fig. 6: 92) to display a local video object (Fig. 8: 205) and the remote video (Fig. 8: 200); and

wherein the user can adjust the position of the local video object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claim 2, Elliott teaches wherein the controller (user) can adjust the position of said local video (i.e. images) object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claims 3 and 13-14, Elliott teaches wherein the controller (user) can adjust the position of the local video object (Fig. 8: 205) in response to

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adjusting the location or size (column 9, lines 2-12) of the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claim 4, Elliott teaches wherein the controller allows the remote video to be displayed (Fig. 8: 200) while the contents of the local video object are updated (Fig. 8: 205)(i.e. Both real-time videos are shown changing at the same time).

-In regard to dependent claims 5 and 19, Elliott teaches wherein the controller displays the video (Fig. 8: 200 & 205) in a window of a word processor application (column 7, lines 50-51)(Fig. 8: 88).

-In regard to dependent claims 6, 16, and 22, Elliott teaches wherein the interface receives the video over a wireless network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 7, Elliott teaches wherein the interface comprises a disk drive (Fig. 1: 20).

-In regard to dependent claim 8, Elliott teaches wherein the interface receives the video over a network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 11, Elliott teaches wherein displaying the object comprises displaying the local video (i.e. images) (Fig. 8: 205) on the display (Fig. 8: 85).

-In regard to dependent claim 12, Elliot teaches wherein adjusting the local video object (column 8, lines 48-51) comprises arranging the local video object in a manner so that both the remote video (Fig. 8: 200) and the local video object (Fig. 8: 205) are viewable (Fig. 8).

-In regard to independent claim 17, Elliot teaches a computer readable medium containing instructions executed by a processor to:

display a video (Fig. 8: 200 & 205) in a window (Fig. 8: 85);

display text in the window (Fig. 8: 88); and

wherein the text is displayed in a manner that allows both the text and the video to be viewable in the window (Fig. 8).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott).

-In regard to dependent claim 9, Elliott teaches wherein the interface receives the video over a plurality of communication means including local area network, fiber optic link, and satellite link (columns 5 & 6, lines 66-67 & 1-2). Elliott does not specifically

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teach wherein the communications means was a universal serial bus. It would have been obvious to one of ordinary skill in the art at the time of the invention, for communication means of Elliott to have been an universal serial bus, because it was well known in the art at the time of the invention that universal serial buses provided a simple high bandwidth connection with the ability to automatically add and configure new devices and the ability to add such devices without having to shut down and restart the system.

-In regard to dependent claim 15, Elliot teaches a disk drive as part of the computing system (Fig. 1: 20)(column 4, lines 57-65). Elliot does not teach wherein the video was stored and received from a disk drive. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have stored the video on the local or remote (column 5, lines 49-52) disk drive and retrieved that video when necessary to be shown on said display, because disk drives were notoriously well known in the art to maintain a high storage capacity which said video would need as well as provided fast access time and increased portability across multiple computers connected to the network.

-In regard to dependent claim 18, Elliot teach wherein the computer readable medium has application to any window-based graphic user interface display system (column 6, lines 5-7) over an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application of Elliot to have been an Internet



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browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) where notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

9. Claims 20-21 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott) in view of Microsoft's, Microsoft Word 2000, 12/25/99, pp. 1-9.

-In regard to dependent claims 20 and 21, Elliot teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, 2-12). Elliot does not teach adjusting the text in the word processor (Fig. 8) in response to moving and resizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 23, Elliot teach a method for:

displaying text in a window of a software application on a computer  
(column 6, lines 50-51)(Fig. 8);

displaying video (Fig. 8: 205 'local video' & 200 'remote video') in the  
window of the software application (Fig. 8);

Elliot does not teach adjusting the text, in response to displaying the video  
objects in the window, in the manner that both the text and video are viewable. Word  
2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or  
resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word  
processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice  
adjusted text) in response to said movements. It would have been obvious to one of  
ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in  
response to the movement of the video objects, because Word 2000 teaches that by  
adjusting the text, all relevant text was always available to be viewed and thus no  
essential information would be covered.

-In regard to dependent claim 24, Elliot teaches displaying the local video (i.e.  
images) object (Fig. 8: 205) with the text and the remote video (Fig. 8: 205) in the word  
processor application, wherein all three are substantially simultaneously viewable (Fig.  
8).

-In regard to dependent claim 25, Elliot teaches wherein the video objects in the  
word processor application can be moved (column 8, lines 49-51) and resized (column 9,  
2-12). Elliot does not teach adjusting the text in the word processor (Fig. 8) in response

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to moving or resizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 26, Elliot teach an apparatus comprising:

an interface to receive a video signal (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller to:

display an application having text (Fig. 8);

display the video signal in a video portion of the application (Fig. 8: 200 & 205); and

allowing both the text and the video to be viewed substantially simultaneously (Fig. 8).

Elliot also teaches wherein the apparatus has application to any window-based graphic user interface display system (column 6, lines 5-7) over an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application

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of Elliot to have been an Internet browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) were notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

Elliot also does not teach adjusting the text, in response to displaying the video objects in the window, in the manner that both the text and video are viewable. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claims 27 and 28, Elliot teaches wherein the system allows moving (column 8, lines 49-51) and re-sizing (column 9, 2-12) the video portion in the application. Elliot does not teach adjusting the text in the application in response moving or re-sizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000:

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Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 29, Elliot teaches an article comprising a machine readable storage medium enabling a processor to:

display a first object (text) in a window (Fig. 8);

display a second object (video window) in a window (Fig. 8: 200 & 205).

Elliot does not teach wherein scrolling the first object in the window around the second object in the window in response to enabling scrolling. Word 2000 teaches enabling scrolling (Word 2000: Pages 4-5) of a first object (text), wherein after enabling scrolling the first object (text) scrolls around the second object (viewable object) (Word 2000: Page 3: Pre-Scroll & Page 6: Post Scroll). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to enabling scrolling around the video objects, because Word 2000 teaches that by scrolling the text, the displayed objects obtain a better look & feel based on the flowing text around the viewable object as well as making sure all of the relevant text of Elliot would always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 30, Elliot teaches wherein the first object comprises text (Fig. 8) and the second object comprises video (Fig. 8: 200 & 205).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US: 6,657,647	12-2003	Walter
US: 6,636,245	10-2003	Estipona
US: 6,188,398	02-2001	Collins-Rector et al.
US: 6,025,841	02-2000	Finkelstein et al.
US: 5,825,360	10-1998	Odam et al.
US: 5,675,755	10-1997	Trueblood
US: 2003/0154261	08-2003	Doyle et al.
US: 6,144,991	11-2000	England
US: 6,727,918	04-2004	Nason

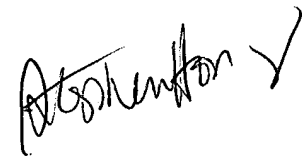
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (703) 305-7212. The examiner can normally be reached on M-F: 7:30am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



STEPHEN S. HONG  
PRIMARY EXAMINER